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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Kang Soo Seo

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EXAMINER

KHAN, ASHER R

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2621

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/759,461	Applicant(s) SEO ET AL.	
	Examiner ASHER KHAN	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11,26-29,32-35,39-42,46-49 and 53-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11,26-29,32-35,39-42,46-49 and 53-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/25/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments with respect to claim 1, 26, 27, 28 and 29 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-11, 26-29, 32-35, 39-42, 46-49 and 53-56 are rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent Pub. 2002/0164152 A1 to Kato et al. "Kato" in view of U.S. Patent Pub. 2001/0046371 A1 to Ando et al. "Ando"

As to claim 1, 26, 27, 28 and 29, Kato discloses an apparatus for recording a data structure for managing reproduction of at least one still image on a recording medium, the apparatus comprising:

a pick up configured to record data on the recording medium (Fig. 1, Readout unit 26);

a controller configured to control the pick up (Fig. 1, 26) to record at least one playlist file on the recording medium (Fig. 1, controller 23), the playlist file including at least one playitem (Fig. 7)(0154), at least one sub-playitem (Fig. 7) and mark information (Figs. 43 and 79; 0160; 0188-0190), the playitem, indicating an in-point and an out-point of a first clip stream(Fig. 7 shows in point and out point, MAIN PATH; MAIN AV STREAM)

file for reproducing presentation data (still picture data of video data), the presentation data being divided into a number of still picture units (play items) the presentation data

Art Unit: 2621

not including audio data (still picture data of video data does not include audio data), each still picture unit (play item) including a still picture (Still picture data) and associated data (presentation time stamp or ancillary information, 0170; Figs 2 and 3)(Figs. 67-68), the still picture and associated data configured to be reproduced synchronously (still picture and presentation time stamp (PTS) are reproduced synchronously), the playitem including duration information indicating whether to display the at least one still picture for one of a finite period of time (in_time and out time, figs. 2 and 3; 0170-0172; in and out times is a finite duration of time), the sub-playitem associated with the playitem and indicating an in-point and an out-point of a second clip stream file for reproducing audio data (Fig. 7), the mark information including at least one mark pointing to the still picture (0152).

Kato does not expressly disclose to display atleast one still picture for an infinite period of time, the still picture being configured to be displayed until user input is received if the duration information indicated the infinite period of time and the audio data configured to be reproduced asynchronously and independently from the still picture unit.

Ando discloses to display atleast one still picture for an infinite period of time, the still picture being configured to be displayed until user input is received if the duration information indicated the infinite period of time (0142; when system is in browsable display mode) and the audio data configured to be reproduced asynchronously and independently from the still picture unit (System has **Random** shuffle of still pictures

therefore the system reproduces audio which is asynchronous and independent of still picture data; 0138; 0466-0471).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Kato with the teachings of Ando. Motivation to combine would have been to allow the system browsable and random features while playing audio and video data, giving a viewer more control over what the viewer desires to watch and how the viewer wants to watch the audio and video data.

As to claims 2, Kato and Ando as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein the at least one mark includes a type indicator indicating that the mark is of a type used for pointing to a still picture (0193-0194).

As to claim 3, Kato and Ando as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein the at least one mark includes a time stamp indicating a time address of the still picture in the first stream file (0189).

As to claim 4, Kato and Ando as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein the at least one mark includes a playitem indicator indicating the playitem with which the at least one mark is associated (0189) (0190) (Fig. 44) (0294).

As to claims 6, Kato and Ando as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein the mark includes a time stamp indicating a time address of the still picture in the first stream file (0189) (0299).

As to claims 7, Kato and Ando as modified disclose everything claimed as

Art Unit: 2621

applied in claim 1 above. Kato further discloses wherein the mark includes a playitem indicator indicating the playitem with which the mark is associated (0189) (0190) (Fig. 44) (0294).

As to claim 8, Kato and Ando as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein the at least one mark includes a time stamp indicating a time address of the still picture in the first stream file (0189) (0299).

As to claim 9, Kato and Ando as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein the at least one mark includes a playitem indicator indicating the playitem with which the atleast one mark is associated (0189) (0190) (Fig. 44) (0294).

As to claim 10, Kato and Ando as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein the mark information includes a number of marks, and the mark information includes a number indicator indicating the number of marks (0298).

As to claim 11, Kato and Ando as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein, for each mark, the mark information provides a type indicator indicating a type of the at least one mark (0189) (0190) (Fig. 44) (0294) (0298) (Fig. 43).

As to claims 33, 40, 47, 54, Kato and Ando as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein the at least one mark includes a time stamp indicating a time address of the still picture in the first stream file (0189; 0299), and the at least one mark includes a playitem indicator

Art Unit: 2621

indicating the playitem with which the at least one mark is associated (Fig. 44; 0189; 0190; 0294).

As to claims 34, 41, 48, 55, Kato and Ando as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein the at least one mark includes a time stamp indicating a time address of the still picture in the first stream file (0189; 0299), and the at least one mark includes a playitem indicator indicating the playitem with which the at least one mark is associated (Fig. 44; 0189-0190; 0294).

As to claims 35, 42, 49, 56, Kato and Ando as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein the mark information provides a type indicator indicating a type of the at least one mark (Figs. 43-44; 0189-0190; 0294; 0298).

As to claims 5, 32, 39, 46, and 53, Kato and Ando as modified disclose everything claimed as applied in claim 1 above. In addition Kato discloses wherein the at least one mark includes a mark type indicator indicating that the at least one mark is of a type that provides a point to skip to (Fig. 43). Kato does not expressly disclose when displaying a slideshow of still pictures. Ando discloses displaying a slideshow of still pictures (0142).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Kato with the teaching of Ando. Motivation would have been to provide a skipping function having a "skip increment" in a slide show to skip between multiple images.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASHER KHAN whose telephone number is (571)270-5203. The examiner can normally be reached on 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks- Harold can be reached on (571)272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621

/A. K./
Examiner, Art Unit 2621